

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL FRANKLIN,
Plaintiff,

v.

PLACER COUNTY, et al.,
Defendants.

Case No. 2:24-cv-2714-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 5)

Plaintiff Michael Franklin is a former county inmate proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 10, 2024, the court ordered Plaintiff to either file a motion to proceed *in forma pauperis* or pay the required filing fee in order to proceed with this action. (Doc. No. 3.) The court provided Plaintiff with thirty days to comply with that order.¹ (*Id.* at 2.) Plaintiff has not paid the required filing fee to proceed with this action nor filed an application to proceed *in*

¹ The service copy of the October 10, 2024 order, which was mailed to Plaintiff at his address of record, was returned to the court as “undeliverable, not in custody.” Plaintiff filed a notice of change of address on October 25, 2024. (Doc. No. 4.) The October 10, 2024 order was mailed to Plaintiff at his new address, but was again returned to the court as “undeliverable, not in custody.” Plaintiff was thus required to file a notice of his change of address with the court no later than January 6, 2025. To date, Plaintiff has not filed a notice of his change of address or otherwise communicated with the court.

1 *forma pauperis*, and the deadline in which to do so has passed.

2 Accordingly, on December 19, 2024, the assigned magistrate judge issued findings and
3 recommendations recommending that this action be dismissed, without prejudice, due to Plaintiff's
4 failure to comply with the court's order and failure to pay the filing fee. (Doc. No. 5.) The findings
5 and recommendations were served upon Plaintiff and contained notice that any objections thereto
6 were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, Plaintiff has not filed
7 any objections and the time in which to do so has passed.

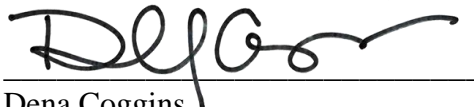
8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 pending findings and recommendations are supported by the record and proper analysis.

11 Accordingly:

- 12 1. The findings and recommendations issued on December 19, 2024 (Doc. No. 5) are
13 adopted in full;
14 2. This action is dismissed, without prejudice, due to Plaintiff's failure to pay the
15 required filing fee and failure to comply with a court order; and
16 3. The Clerk of the Court is directed to close this case.
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19 IT IS SO ORDERED.

20 Dated: January 13, 2025

21 
22 Dena Coggins
23 United States District Judge
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